

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

NOS-113

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5)

10/566,059

INTERNATIONAL APPLICATION NO.
PCT/EP2004/006251INTERNATIONAL FILING DATE
09 June 2004PRIORITY DATE CLAIMED
29 July 2003

TITLE OF INVENTION

METHOD FOR PRODUCING A HARDENED STEEL PART

APPLICANT(S) FOR DO/EO/US

Martin FLEISCHANDERL et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND OR SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. has been transmitted by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. A translation of the International Application into English (35 U.S.C. 371(c)(2)). (verified)
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. have been transmitted by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). (verified)
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). (8 pages, executed, attached to a copy of the International Application)
10. A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. (9 pages total)
13. A **FIRST** preliminary amendment.
- A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. A substitute specification. (attached to a red-ink marked-up version of the English language translation)
15. A change of power of attorney and/or address letter.
16. Other items or information:
 - Copy of Notification of Missing Requirements Under 35 U.S.C. 371
 - Certificate of Mailing by Express Mail (2 pages)
 - Return Receipt Postcard

EXPRESS MAIL NO.: EV924406570US

MAILED: 11 April 2007

CUSTOMER NO.: 42419



UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
FEB 20 2007

Pauley Petersen & Erickson

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| | | |
|-------------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/566,059 | Martin Fleischander | NOS-113 |
| INTERNATIONAL APPLICATION NO. | | PCT/EP04/06251 |
| I.A. FILING DATE | PRIORITY DATE | |
| 06/09/2004 | 07/29/2003 | |

42419
PAULEY PETERSEN & ERICKSON
2800 WEST HIGGINS ROAD
SUITE 365
HOFFMAN ESTATES, IL 60195

CONFIRMATION NO. 2030
371 FORMALITIES LETTER



OC000000022474464

Date Mailed: 02/14/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/26/2006
- English Translation of the IA filed on 01/26/2006
- Copy of the International Search Report filed on 01/26/2006
- Preliminary Amendments filed on 01/26/2006
- Information Disclosure Statements filed on 06/13/2006
- Request for Immediate Examination filed on 01/26/2006
- U.S. Basic National Fees filed on 01/26/2006

Response to Missing Requirements
DOCKETED
DATE 14 Apr. 07
ATTORNEY MR
ENTERED car CH

007851

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

| | | | |
|---|--|--|--|
| U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/566.059 | INTERNATIONAL APPLICATION NO. PCT/EP2004/006251 | ATTORNEY'S DOCKET NUMBER NOS-113 | |
| 17. <input checked="" type="checkbox"/> The following fees are submitted: | | CALCULATIONS PTO USE ONLY | |
| BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): | | | |
| Basic National Filing Fee \$ 300.00 National Stage Search Fee \$ 500.00 National Stage Examination Fee \$ 200.00 | | | |
| ENTER APPROPRIATE BASIC FEE AMOUNT = \$ 0.00 | | | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). | | \$ 130.00 | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | |
| Total claims | | X \$50.00 | |
| Independent claims | | X \$200.00 | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | + \$360.00 | |
| TOTAL OF ABOVE CALCULATIONS = \$ 130.00 | | | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. | | + \$ 130.00 | |
| SUBTOTAL = \$ 130.00 | | | |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | + \$ 130.00 | |
| TOTAL NATIONAL FEE = \$ 130.00 | | | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property | | + \$ 40.00 | |
| TOTAL FEES ENCLOSED = \$ 170.00 | | | |
| | | Amount to be: refunded \$ | |
| | | charged \$ | |
| a. <input checked="" type="checkbox"/> A check in the amount of <u>\$170.00</u> to cover the above fee is enclosed. | | | |
| b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. | | | |
| c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-3550</u> . A duplicate copy of this sheet is enclosed. | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. | | | |
| SEND ALL CORRESPONDENCE TO: | |  SIGNATURE Melanie I. Rauch | |
| Pauley Petersen & Erickson 2800 West Higgins Road, Suite 365 Hoffman Estates, Illinois 60169 (847) 490-1400 Fax: (847) 490-1403 | | #4/13/ <u>04/13/2004</u> NAME <u>MELANIE I. RAUCH</u> 000000047 10566059 01 FC:1617 40,924 130.00 OP REGISTRATION NUMBER | |

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/566,059 | PCT/EP04/06251 | NOS-113 |

FORM PCT/DO/EO/905 (371 Formalities Notice)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Martin FLEISCHANDERL
 Siegfried KOLNBERGER
 Josef FADERL
 Gerald LANDL
 Anna Elisabeth RAAB
 Werner BRANDSTÄTTER

Title: METHOD FOR PRODUCING A HARDENED
 STEEL PART

Serial No.: 10/566,059

Based Upon: PCT/EP2004/006251

Express Mail No.: EV924406570US

Date of Deposit: 11 April 2007

CERTIFICATE OF MAILING BY EXPRESS MAIL

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that the following requisites of the subject patent application are being deposited with the United States Postal Service as Express Mail Post Office to Addressee No. EV924406570US, on 11 April 2007, and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, together with the items listed below.

Serial No.: 10/566,059

- Transmittal Letter (Form PTO-1390) (2 pages), in duplicate
- Executed German Language Declaration (8 pages), attached to a German language copy of the International Application
- Recordation Form Cover Sheet, together with executed Assignment Document (9 pages total)
- A check in the amount of \$170.00 to cover the fees set forth in the Transmittal Letter
- Copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)
- Return Receipt Postcard

Respectfully submitted,



Melanie I. Rauch
Registration No. 40,924

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